

Minutes of the Judiciary and Law Enforcement Committee - September 10, 2004

The meeting was called to order at 8:30 a.m. by Chair Mitchell who led the committee in the Pledge of Allegiance.

Present: Chair William Mitchell, County Board Supervisors Kathleen Cummings (arrived at 8:40 a.m.), Keith Harenda (arrived at 8:37 a.m.), Mareth Kipp, Carl Seitz, David Swan, Jean Tortomasi

Staff Present: County Board Chief of Staff Lee Esler, Legis. Associate Sandra Meisenheimer

Also Present: Public Works Director Rich Bolte, Building Projects Mgr. Dennis Cerreta, Judge Michael Bohren, Clerk of Courts Carolyn Evenson, Sheriff Inspector Bob Johannik, Deputy Inspector Steve Marks, Captain Meg Schnabl, Criminal Justice Collaborating Council Coordinator Shelly Cyrulik, Consultant Bob Gibson of Preston Corp., Judge Lee Dreyfus, Budget Mgr. Keith Swartz, Radio Services Administrator Chris Petterson, Communications Center Mgr. Richard Tuma, Sr. Financial Analyst Mike Baniel

Approve Minutes of July 30, 2004

Motion: Kipp moved, second by Tortomasi, to approve the minutes of 7/30/04. **Motion carried 5 – 0.**

Correspondence

1. Information on three new grant applications from the Emergency Management Department – a) Interoperable Communications Technology, b) Homeland Security, and c) Urban Area Security Initiative. (Future Agenda Item)
2. E-mail from James P. Stein regarding Huber Facility inmates no longer being able to attend worship services because there isn't enough staff to process all the inmates who wish to attend services at various churches.

Executive Committee Report by Bill Mitchell (Meeting of August 16, 2004)

Mitchell reviewed items that were discussed and/or considered at the last meeting. Senators Tom Reynolds and Alberta Darling were in attendance, who said they both would have voted for TABOR even without reading it. They do expect another version of TABOR in the next session.

Review Capital Projects in the Proposed 2005-2009 Plan for which the Committee Has Budget and Policy Oversight

Bolte, Cerreta, Bohren, Evenson, Johannik, Marks, Schnabl, Cyrulik, Gibson, and Dreyfus were present for the various projects before the committee.

#6 – Courthouse/Admin Center Security (200328)

Bolte stated grants have been applied for five specific projects as listed on the project sheet under previous actions: Public Health Center, Juvenile Center, Highway/Fleet Building, Human Services Center, and Courthouse/Administration Center. In the first round they were not successful with any of them so they will continue in the next round to apply for the Homeland Security money. None of the work will go forward without the grant money. Most of it is for access controls to the buildings. To clarify, Marks said there are cameras at the two main entrances (Courthouse; Admin. Building), entrance in back of the Courthouse, and the delivery port at the Admin. Building.

Motion: Swan moved, second by Cummings, to tentatively approve and recommend capital project #6 to the Executive Committee. **Motion carried 7 – 0.**

#9 – Justice Facility Project Phase II (200326)

Bolte said this is the courts tower building. The project has significant scope change and is

re-estimated because of increased cost of steel and concrete. Bolte stated in an effort to reduce the increase, they are proposing that one of the four floors not be finished but be a shelled-in space much like the one pod of the new jail in the 90's. Plumbing fixtures would probably be roughed in. There will be four secured courts as opposed to six and the two court commissioner intake court areas. This will save about \$1.3 million.

Tortomasi said we're really caught in the middle because to finish the fourth floor in ten years could conceivably cost double. Mitchell said but it also gives the flexibility of the need at a particular time and the need isn't here now.

Bohren said the circuit judges met this past Wednesday and reviewed this option. It is their position to oppose the modification, because it is poor planning. To give some background the concept of the new court tower was to move the criminal traffic courts into the tower so there would be a secure place for all of the criminal courts to operate. The proposal up to this point has been for eight courtrooms (6 circuit courts for judges and 2 hearing rooms for court commissioners). There are five judges handling criminal cases so under this new proposal you would be using seven of the eight courtrooms. This would destroy the concept of having all of the criminal courts in one section. Also, there could only be four of the criminal judges in the tower; one judge would have to remain in this Courthouse.

Bohren stated from a management and security standpoint, it's going to be a huge problem and will not function correctly. The judges worked carefully with Dennis Kimme of Kimme & Associates in preliminary planning of the courts tower. The function of the Clerk of Courts office was moved into the tower so the Clerk of Courts would be able to manage the different aspects of the courts office that are dealt with on a daily basis. This change will throw that off. It will also throw security off as far as isolating some of the more dangerous type cases in one area, which now will continue to be spread out through the Courthouse. It's not a good way to operate and the judges are frankly very concerned about it, which they view as an attempt to be penny-wise today and dollar-foolish in the near future. There are not going to be less criminal cases in the future in Waukesha County. The caseload will stay the same or increase.

Bohren said transportation of prisoners is always an issue. With the new tower they thought this would be eliminated. Now it will only be partially eliminated by the plan that is being proposed. It won't solve the big problem or the operating costs for the Sheriff's Department having to transport prisoners from the new jail facility over to the other two courtrooms in the Courthouse. (At this point Bohren drew a diagram on the white board to better explain the inefficiencies of transporting prisoners between the Courthouse and new jail.)

Bohren said we see this as creating more problems and perpetuating the problems existing now regarding security and management of the criminal system. We believe it is short sighted and we're looking to the County Board to maintain the plan as it is currently set up. It is in the best interest of the county, certainly of the court system and also the safety of the public. We've been very fortunate in Waukesha County not to have any incidents that we regret, and we want to be proactive and not let anything happen. The judges' issue with the proposed modification is very tied into security within the Courthouse, security of moving prisoners, and security in the courtrooms.

Bohren distributed a letter from Judge Foster and himself, which summarizes what their position is and covers a number of points.

Evenson stated in the preliminary planning for 2008, they looked at how their office would function and how they would work with the public (who is coming out of the courtrooms and setting up payment plans or paying fines, etc.). Space was built into the court tower for a "bond" room to allow for that efficiency and placed adjacent to the courtroom or hearing room. This was planned so people would not have to be sent back and forth between the Courthouse and courts tower. Mitchell asked does this amended version change this? Evenson said she presumes this puts her in the position of having a split operation with four criminal courtrooms in the courts tower and one criminal courtroom in the Courthouse.

Evenson said she would also like to expand a little on establishing a location for a temporary intake court because G-49 has to be demolished for this project to move forward. What you need to think about is from 2008 to 2017 having to use a temporary intake court on the second floor of the Justice Center. It would not be an efficient operation for that type of a timeframe. In the planning process what they conceived of was a temporary intake court for the duration of the construction project. There are more people going in and coming out of the intake court than probably any other courtroom.

To Swan's question, Bolte said they could save the same amount of money by either eliminating the top floor or the bottom. Bohren said the judges discussed this yesterday, and it is the reason he brought up Room 266 and the intake situation. The compromise doesn't address Room 266 and the intake situation. It solves some problems, but maybe creates more problems.

Evenson said if you eliminate a second, third or fourth floor where there are courtrooms planned, you eliminate the ability of the courts tower to include all five criminal courts. If you eliminate the first floor where there are commissioner hearing rooms, you do away with any intake court and we will be forced to function temporarily over on the second floor of the Justice Center. In her perspective, this change creates problems with either option, and therefore she is encouraging the committee's support for the completion of Phase II as planned.

Seitz stated this whole Courthouse is based on the courts and the jail system so for the safety of the public and for the operation to run efficiently, this \$1.3 million is really a small amount. With that in mind, we should complete the project, but we should look into areas where money can be saved (i.e., not paying health insurance for inmates--their families should pay for it; do not keep buying land for preservation of the parks).

Harenda asked when do you anticipate going out for bid for the construction manager and the architect? Cerreta replied in November 2005.

Tortomasi said I know we have a fiscal responsibility to be prudent with spending the taxpayer's money, but everything she is hearing is that security would be compromised and the inefficiencies would be a serious problem if we do move forward with the original plan. Also, what makes us think that in 10 years we'll have so much money that we won't have to cut somewhere else. She agrees with Bohren that not to move ahead would be penny-wise and dollar-foolish.

To Cummings' question, Bolte said it will cost more in ten years. The cost would probably double because of inflation.

Marks said it's hard to believe that he worked here in 1978 when the two deputies were killed. He looks at this proposal and the money savings. He has worked in the courts for about ten years, and everyday they bring prisoners down the hallways. From his personal standpoint, when he heard

about the new facility, it was a godsend to him because everyday he worries about something happening again.

Esler said when this project goes before the Executive Committee, he was going to ask for it to be advanced one year in the plan. But now, having heard that we will prepare RFP's in November, 2005 he feels that is an aggressive timetable.

Swan said he supports what is being brought forward by Director Bolte because he doesn't have a choice as to where the money is coming from, but he also supports what the judges are saying, and maybe another way of doing it. Tortomasi said she would support some other options recognizing that we probably can look elsewhere at the first floor or what have you. Seitz said he is for supporting what the judge said and for the project to go forward. Public safety is the key factor, and that's what we have to look at. Cummings said she is for completing it but moving it up as Esler suggested. Harenda said he is not sure what he is going to do. He is unsure right now. Kipp said no matter how we look at it by eliminating the fourth floor or the first floor, it is still incomplete. She never liked leaving the pod vacant when the other jail was built, because she knew how much more it was going to cost to bring everyone back to finish it. Mitchell said he understands the reasoning behind it but the project is costing over \$50 million. It is foolish to go ahead with this size of project and leave in that many inefficiencies.

Motion: Kipp moved, second by Seitz, to support completion of the project and tentatively approve and recommend capital project #9 to the Executive Committee. **Motion carried 4 – 3** (Cummings, Harenda, Swan). Harenda said he may change his vote. Cummings said she wants completion of the project, but it should be moved up a year.

#7 – Courtroom Remodel-Phase II (200410)

Bolte said this is a project to remodel three courtrooms (121, 263, 295) that were taken out of the project two years ago when it wasn't affordable. Evenson said this is the tail end of a ten year plan for courtroom renovation. When we first discussed this about three years ago, it was about eight courtrooms. In discussions with Administration, it was agreed that they would not propose remodeling of any courtroom that was going to be taken out of service. Therefore, the two courtrooms on the third floor and Judge Dreyfus' courtroom with the columns were taken off the list for remodeling. These last three will continue to be used regularly as family and/or civil courtrooms.

Cummings suggested, as a matter of priorities, moving back this project so the courts tower can move forward. Kipp stated she doesn't think we should sacrifice the completion of this project with the possibility that another project will move forward or the possibility that we're going to add money to it. We're working backwards if we do that. Mitchell said as of right now he will support this project. Harenda said he might change his vote later.

Motion: Swan moved, second by Tortomasi, to tentatively approve and recommend capital project #7 to the Executive Committee. **Motion carried 4 – 3** (Cummings, Harenda, Seitz).

#8 – Justice Facility Project Phase I (200108)

Bolte said this project is currently under construction. Cerreta said there is about \$1.3 million left in contingency so they are fine in that regard. The project is on schedule for an August 5, 2005 completion although it might be a couple of weeks off. Kipp asked when will it be operational? Bolte said probably 2-3 months after August 5.

Motion: Cummings moved, second by Seitz, to tentatively approve and recommend capital project #8 to the Executive Committee. **Motion carried 7 – 0.**

#10 – Highway Ops. Storage Building (200407)

Bolte said this is a project in the out years to build another storage building similar to the secured evidence building on the grounds of Highway Operations. The big change this year is after talking to the Sheriff's department and based on their indoor storage needs, the building will be shared with them probably by putting a wall down the middle so they have a secured side. To Mitchell's question, Bolte replied that this does not change the cost.

Motion: Kipp moved, second by Swan, to tentatively approve and recommend capital project #10 to the Executive Committee. **Motion carried 6 – 0** (Seitz absent).

#41 - Mobile Data Infrastructure Upgrade (200201)

Swartz, Tuma, and Petterson were present. Swartz stated this is a project that was initially requested and approved as part of the plan in 2002, approved again in 2003, approved as revised in 2004, and in 2005 they've started the planning process with a consultant study for the budget, concept and design portion, which will be completed towards the end of this year. That will lead into a RFP with the vendor for the base replacement system of the data infrastructure. This project will be transitioned from DOA to the new Department of Emergency Preparedness between January and July of 2005.

Petterson said the existing system serves almost all of the law enforcement communities throughout the county and provides them with the basic known data services. This system is still in place. The expectation is that the newer end-user equipment would still be retained for future use. The new system however represents a big leap technologically and functionally. Depending on what is chosen, the new system will be a minimum of four times faster. Seitz asked what happens to the equipment that is being replaced? Petterson said the intent is that any of the equipment that is currently supported by the manufacturer or purchased in the last 7-8 years would be retained. They will reuse equipment wherever possible. Tortomasi asked how many MDTs are you talking about? Petterson said about 215 and maybe more.

Swartz stated the participants in the Communications Center that are part of this program would be able to access the Spillman Records Management and CAD System. Those that are not will not have that capability or feature. Swan asked regarding the end-users, how are you communicating with the various municipalities to make them aware of the fact that this is going to happen by a certain date and if they don't have this kind of equipment they won't have access? Tuma said they have sent out a number of memos keeping them advised. Also, part of the scope of the consultant's work is to conduct focus groups.

Motion: Harenda moved, second by Swan, to tentatively approve and recommend capital project #41 to the Executive Committee. **Motion carried 7 – 0.**

Motion to adjourn: Kipp moved, second by Swan, to adjourn the meeting at 11:24 a.m. Motion carried 7 – 0.

Respectfully submitted,

Mareth K. Kipp
Secretary

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